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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,734

06/26/2006

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EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,734

Applicant(s)

ARAI, SUSUMU

Examiner

JOSHUA L. PRITCHETT

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 6/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Obara (JP 08-106260).

Regarding claim 1, Obara discloses a passage part (Fig. 15) which is provided on an optical axis of light emitted from an illuminator and which passes, as first light, light traveling in substantially parallel to the optical axis while not scattering the light (Fig. 15) and a diffusion part (7) which is provided around the passage part and which scatters light spreading outward from the optical axis by a predetermined angle or more and emanates the light as second light (Fig. 15) wherein a light irradiation area defined by irradiating the first light is irradiated with the second light by the diffusion part to control illuminance distribution in the light irradiation area (Fig. 15).

Regarding claim 7, Obara discloses the diffusion part is composed of a transmission and scattering member which scatters light while pass the light (Fig. 15).

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Takahashi (JP 2003-186427). A computer translation was used for the textual citations and accompanies this action.

Regarding claim 1, Takahashi discloses a passage part (27) which is provided on an optical axis of light emitted from an illuminator and which passes, as first light, light traveling in substantially parallel to the optical axis while not scattering the light (Fig. 1) and a diffusion part (26) which is provided around the passage part and which scatters light spreading outward from the optical axis by a predetermined angle or more and emanates the light as second light (abstract; Fig. 1) wherein a light irradiation area defined by irradiating the first light is irradiated with the second light by the diffusion part to control illuminance distribution in the light irradiation area (abstract; Fig. 1).

Regarding claim 2, Takahashi discloses the illuminance distribution is so configured as to keep a predetermined evenness level (para. 0012).

Regarding claim 3, Takahashi discloses an optical element (27) for refracting light is provided in the passage part (para. 0019).

Regarding claim 4, Takahashi discloses the diffusion part is composed of a diffuse reflection surface which is so arranged as to surround the optical axis of the light from a side periphery thereof and which is oriented inwardly and wherein the passage part is set in space formed by being surrounded by the diffuse reflection surface (Fig. 1).

Regarding claim 8, Takahashi discloses the illuminator is an LED (23; abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 2003-186427) in view of Kato (JP 10-039175).

Takahashi teaches the invention as claimed but lacks reference to a cylinder. Kato teaches configuring the illumination element as a cylinder (Fig. 1; abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Takahashi invention include the use of a cylinder shape as taught by Kato for the purpose of achieving evenly distributed light intensity.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 2003-186427) in view of JP 63-80402.

Takahashi teaches the invention as claimed but lacks reference to a reflection surface opposite the light exit direction. JP 63-80402 teaches a light reflection surface opposite the light

exit direction (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Takahashi reference include the reflective surface opposite the light exit direction as taught by JP 63-80402 for the purpose of maximizing the amount of light produced by the light source exiting the lighting element.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/

Art Unit: 2872

Primary Examiner

Art Unit 2872